

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

18 October 2022

Dear Councillor

You are summoned to attend the meeting of the;

OVERVIEW AND SCRUTINY COMMITTEE

on **WEDNESDAY 26 OCTOBER 2022** at **7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

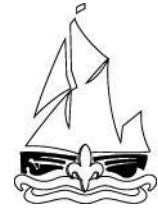


Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP:

CHAIRMAN	Councillor M W Helm
VICE-CHAIRMAN	Councillor P L Spenceley
COUNCILLORS	Miss A M Beale B S Beale MBE V J Bell M S Heard B B Heubner C Mayes S J N Morgan C P Morley





AGENDA OVERVIEW AND SCRUTINY COMMITTEE

WEDNESDAY 26 OCTOBER 2022

1. **Chairman's Notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 10)

To confirm the Minutes of the meeting of the Overview and Scrutiny Committee held on 28 July 2022 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **Public Participation**

To receive the views of members of the public of which prior notification in writing has been received (no later than noon on the Tuesday prior to the day of the meeting).

Should you wish to submit a question please completed the online form at www.maldon.gov.uk/publicparticipation.

6. **Review of Scrutiny Workplan Items and Recent Scrutiny Request by a Member**
(Pages 11 - 20)

To consider the report of the Overview and Scrutiny Working Group, (copy enclosed).

7. **Staff Exit Questionnaires**

To consider the direct recommendation from the Performance, Governance and Audit Committee at its meeting on 29 September 2022 that the Overview and Scrutiny Committee review outcomes from Staff Exit Questionnaires as part of their Work Programme.

8. **Any other items of business that the Chairman of the Committee decides are urgent**

9. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

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For further information please see [the Council's website](#).

10. **Cyber Security Update** (Pages 21 - 48)

To consider the direct recommendation from Performance, Governance and Audit Committee at its meeting on 29 September 2022 that the BDO report and technical report (Appendix 1) be sent to the Council's Overview & Scrutiny Committee for review.

NOTICES

Recording of Meeting

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

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Health and Safety

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Lift

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**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
28 JULY 2022**

PRESENT

Chairman	Councillor M W Helm
Vice-Chairman	Councillor P L Spenceley
Councillors	Miss A M Beale, B S Beale MBE, V J Bell, B B Heubner, C Mayes, S J N Morgan and C P Morley
In attendance	Councillors M G Bassenger, A S Fluker, K M H Lagan and W Stamp

198. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting. The Chairman thanked Councillor V J Bell, the former Chairman of the Committee, for her excellent chairmanship over the past year.

199. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M S Heard.

200. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 23 March 2022 be approved and confirmed.

201. PUBLIC PARTICIPATION

There was none.

202. DISCLOSURE OF INTEREST

There were none.

203. NOTICE OF MOTION

The Chairman advised the Committee that the Council had the Notice of Motion (as set out on the agenda) to this Committee for consideration as its remit was mainly one of scrutiny and review. For now, rather than look to discuss it without more information to understand what lies behind these issues, the Committee needed to receive it and

decide how to deal with it. Since the matters to be looked at are clear and the Council has asked the Committee to look at this, the Committee could at least agree to add it to its Workplan. The Committee's normal process would however be to refer a scrutiny request to the Overview and Scrutiny Working Group (which was due to be appointed at this meeting) to seek further information and then for the Working Group to report back to the Committee on the actual scope for scrutiny and a plan for how to go about it.

The Motion was in the name of Councillor A S Fluker and he proposed that the Committee consider referring the matter to the Overview and Scrutiny Working Group for review.

The Chairman put that the best way to proceed was for the Committee to agree receipt of the Motion, add it to its Workplan and refer the matter to the Overview and Scrutiny Working Group for further consideration and report back. This was duly seconded and agreed by the Committee:

RESOLVED

- (i) That the Notice of Motion be received;
- (ii) That the Motion be added the item to the Committees Workplan;
- (iii) that the matter be referred to the Overview and Scrutiny Working Group for further consideration and report back to the Committee.

204. SCRUTINY WORKPLAN ITEM - FIVE YEAR HOUSING LAND SUPPLY (5YHLS)

The Committee considered the report of the Director of Strategy, Performance and Governance, providing a detailed response to the scrutiny workplan item – Five Year Housing Land Supply (5YHLS).

The report provided background information following the request for the scrutiny item and a number of questions to be addressed and explored in greater detail. A written response had been provided by Officers and this was attached as Appendix A to the report.

The Committee received a detailed presentation from the Lead Specialist: Planning Policy and Implementation who took Members through the report at Appendix A. A lengthy debate ensued during which Members raised a number of questions and the Officer provided additional information including:

- The Council continually reviewed what was going on sites and within the 5YHLS Officers had included the right to review the 5YHLS in six months.
- At the present Covid had not had a real impact on build rates in Maldon, although the cost of materials was still rising and this may impact on the number of completions which may be seen as an impact later this year or next year.
- The Officer confirmed It was noted that the Strategy put forward was sound in principal because growth was being put in sustainable places.
- The Council now had a legal requirement to review its Local Development Plan (LDP). It has been five years since the approval to the Plan.
- The Planning Policy Working Group (PPWG) would be looking at future housing requirements as more land for housing, possible employment and Gypsy & Traveller sites had to be considered. Policies needed updating along with some of the evidence provided when the LDP was originally approved in 2017.

It was noted that meetings of the PPWG were now open to all Members. Councillor K M H Lagan commented that he felt this matter should be brought to the Council as it was sovereign. Following further discussion Councillor V J Bell proposed that this be brought to the Council. This proposal was duly seconded. Following further discussion Councillor Bell withdrew her proposal.

Councillor P L Spenceley referred to providing housing at a level that was needed and ensuring that the District was protected against over-development at the same time. She felt Members should own the LDP and understand the methodology being used in the construction of the plan during the current review. Councillor Spenceley proposed that this Committee recommends to the Council that it pauses the current review methodology of the LDP, all Members be invited to an extraordinary meeting of the Council to consider options with regard to the methodology used and considers a partial review of the LDP as required rather than a full change to the Council's current Strategy. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Mayes requested a recorded vote.

The Chairman put the proposal in the name of Councillor Spenceley and the voting was as follows:

For the recommendation:

Councillors Mis A M Beale, B S Beale, V J Bell, B B Heubner, C Mayes, S P Morgan and P L Spenceley.

Against the recommendation:

None.

Abstention:

Councillor M W Helm.

The Chairman advised that this was duly agreed.

Councillor Mayes proposed that the extraordinary Council meeting take place before the next Council meeting. This was duly seconded. Councillor Mayes clarified that the extraordinary meeting should take place in August. Although discussed by the Committee this was not agreed.

At this point Members were advised of the date of the next Council meeting and the requirements set out in the Constitution for calling an extraordinary meeting of the Council.

Further comments and questions arose from Members to which the Officer responded and provided further clarification which included:

- It was not possible to request a developer to split a site or bring sites forward unless the Council wished to consider compulsory purchasing a site which was very costly. However, when the Council considered its future site allocations it needed to expand its list of sites to have a wider choice for the market, we now had to ensure that 10% of sites allocated were smaller sites.
- Section 106 agreements, Recreational Avoidance and Mitigation Strategy (RAMS) and housing had previously been monitored separately but were now being reviewed weekly and published once a year.

- There was a Members' briefing scheduled for 9 August and as part of this Officers would discuss with Members the housing requirement for the review.
- It was essential to ensure that the housing trajectory was realistic and deliverable, with housing allocating providing choice in the market and help with small and medium-sized enterprise builders in the District.
- The Council had considered the Community Infrastructure Levy but when it got to the LDP examination a lot of the strategic sites had been granted planning permission. The Government was proposing a change to how infrastructure is funded but the details of this were currently awaited but at the moment it seemed like the funding would come in at the completion of a site, instead of during the life of the site.

The Officer finished her presentation cautioning Members that because of the lack of 5YHLS and the number of planning applications coming forward the Council could end up by granting a lot of permission and as a result would not have enough housing allocation to pay for the infrastructure it really needed. It was therefore important to improve the Council's position expeditiously and Officers would be discussing this with the PPWG.

The Chairman moved to the recommendations set out in the report. He moved recommendation (i) and this was not agreed.

The Chairman put recommendation (ii) to the Committee and in response Councillor V J Bell proposed that a Working Group be set up as there was too much to make a decision on at this time. She subsequently withdrew this proposal as the matter was being referred to the Council. Recommendation (ii) was subsequently not agreed.

RECOMMENDED that the Council pauses the current review methodology of the LDP, all Members be invited to an extraordinary meeting of the Council to consider options with regard to the methodology used and considers a partial review of the LDP as required rather than a full change to the Council's current Strategy.

205. WORKING GROUP OF OVERVIEW AND SCRUTINY

The Committee considered the report of the Director of Strategy, Performance and Governance seeking agreement to establish the Working Group of the Overview and Scrutiny Committee.

The Chairman proposed that Councillor V J Bell, B B Heubner, M W Helm and P L Spenceley be appointed to sit on the Working Group. This proposal was duly seconded and agreed.

RESOLVED that the following Members of the Overview and Scrutiny Committee are appointed to sit on the Working Group of this Committee:

- Councillor V J Bell
- Councillor B B Heubner
- Councillor M W Helm
- Councillor P L Spenceley

206. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES

The Committee considered the report of the Director of Strategy, Performance and Governance seeking appointment to the Health, Overview and Scrutiny Committee for the remainder of the municipal year, to May 2023.

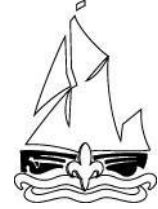
Councillor C Mayes confirmed that she was happy to continue as the Council's representative on this Committee. Councillor V J Bell proposed that Councillor Mayes be reappointed as the representative, this was duly seconded and agreed.

RESOLVED that Councillor C Mayes be appointed as a representative to the Health, Overview and Scrutiny Committee, for the remainder of the municipal year, to May 2023.

There being no other items of business the Chairman closed the meeting at 9.00 pm.

M W HELM
CHAIRMAN

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**REPORT of
OVERVIEW AND SCRUTINY WORKING GROUP**

to
OVERVIEW AND SCRUTINY COMMITTEE
26 OCTOBER 2022

REVIEW OF SCRUTINY WORKPLAN ITEMS AND RECENT SCRUTINY REQUEST BY A MEMBER

1. PURPOSE OF THE REPORT

- 1.1 To update the Committee on recent meetings of the Working Group meeting and recommend responses and courses of action on a Workplan item and a further Member request for a scrutiny item.

2. RECOMMENDATIONS

- (i) That the Committee considers the proposed outline response to the Notice of Motion Workplan Item as a basis for either providing assurance and making recommendations to the Council or other Committees, or defining the scope for actual scrutiny and engaging the Working Group if any further preparatory work is required;
- (ii) That in the light of the scrutiny request from Councillor C Swain the Committee endorses the view of the Working Group that a watching brief is kept to monitor Planning Enforcement performance data and to gain a better understanding of certain enforcement processes.

3. SUMMARY OF KEY ISSUES

3.1 Workplan Item – Notice of Motion by Councillor A S Fluker

3.1.1 At the last meeting of the Committee, the Notice of Motion referred by Council to the Committee in July for resolution was received and added to the Scrutiny Workplan. It was further agreed that the item be referred to the Working Group for consideration and report back.

3.1.2 The Working Group met on 25 August and 26 September 2022 to consider the issues raised by this motion and a report summarising these and some conclusions for consideration by the Committee is at **APPENDIX A**. The Committee in considering the proposed outline scope for scrutiny may seek to explore certain issues in greater detail before finalising its conclusions, particularly given the associated and wider issue of Planning decision-making and seek to engage the Working Group further.

3.2 Scrutiny request by Councillor C Swain – Planning Enforcement

3.2.1 A pro-forma for the new requested item together with brief Officer comments by way of background explanation and context is set out in **APPENDIX B** to this report, and the Committee is asked to adopt the approach recommended, which is that a

watching brief is kept. Should this be agreed by the Committee, the Working Group can not only monitor performance statistics but also gather information to promote a better understanding of some of the enforcement processes.

4. CONCLUSION

- 4.1 In line with the agreed process for review of possible Overview and Scrutiny workplan items, the feedback and recommendations from the recent Working Group meeting are presented for the Committee's consideration at **APPENDICES A & B**.

5. IMPACT ON STRATEGIC THEMES

- 5.1 Robust overview and scrutiny work and learning from what comes out of it contributes to the performance and value theme of the Corporate Plan.

6. IMPLICATIONS

- (i) **Impact on Customers** – Seeking to strike a better balance between the speed of decision making and the quality of decisions will have a positive impact on applicants for planning permission as users of the service, and also Council tax payers in general in contributing to the overall costs of the service.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – A move towards improved quality through more objective and evidence-based decision making will potentially reduce the risk of the award of costs against the Authority.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Enquiries to: Cheryl Hughes, Programmes, Performance and Governance Manager.

SCRUTINY OF BURNHAM ON CROUCH APPEALS/COSTS DECISION AND PLANNING DECISION MAKING

Background and context

1. The Committee has agreed to add the issues raised in the recent Motion to Council from Councillor A S Fluker to its scrutiny workplan. The terms of the motion were as follows:

With reference to the Costs Decision Notice regarding the planning appeal determined on 21st March 2022 Ref/APP/X1545/W/2 13283478 Land 250M North of 16A Maldon Road, Burnham on Crouch Essex.

Since losing the appeal the Council has agreed to pay the appellants costs of £230,000. The Council's own legal fees are £30,000. These costs will be met by Council Taxpayers.

Motion:

- 1. That Council considers the Inspectors Notice and in particular paragraph 18 and takes the appropriate action.*
- 2. That Council considers whether the 'unreasonable behaviour' of members in determining the application resulted in the appeal being lost and a costs of £230,000 being paid to the appellant and takes the appropriate action.*
- 3. That Council considers, bearing in mind members overturned the Planning Officers recommendation to approve the application, why no members attended the appeal to evidence and give weight to their decision.*
- 4. That Council considers why members went against the Officers decision to approve the application, the advice that Council was unlikely to win any appeal and considers why under those circumstances the appeal was defended at a cost of £30,000.*

2. The background facts to the consideration and determination of the application in question are as follows:
 - Application in question originally determined by District Planning Committee in June 2021 – a Committee consisting of all Members of the Council and charged with making strategic planning decisions
 - 25 of the 31 Councillors were present – with one abstention, all Members present agreed to refuse the application contrary to Officers' recommendation of approval
 - The matter was brought back to the Committee in January 2022 in view of the extreme difficulty Officers had in progressing the subsequent appeal, and the likely conflict there would have been between the professional Officer's proof of evidence and the representation of the Council's defence of its decision including possible Member involvement
 - The decision on review to accept the appellant's 'without prejudice' offer to resubmit the application for fresh consideration, and if approved the outstanding appeal would be withdrawn and no application for costs made. Despite this however, the appellant decided to continue with the appeal.
 - The appeal was upheld and an award of costs made. Despite the interim review by the Committee, the Planning Inspector's conclusions and decisions were made on the basis of the wrongfulness of the original decision, and the Council seeking to continue to defend such a weak position.

3. A relevant extract from the Inspector's Costs Decision is as follows:

16. *The original decision of the Council was therefore unreasonable, both on the merits of the scheme and also because the Council did not properly apply the 'tilted balance'. By the time of the appeal, and throughout the appeal process, it was clear that the Council understood that the 'tilted balance' was engaged. However, it did not take the next logical step, which was to withdraw from defending its indefensible position, and instead proceeded to try and claim that the appeal should fail, even when applying the 'tilted balance'. This is an untenable and unreasonable position in light of the substantial benefits of the proposal, which were agreed with the Council, and the minor harm to character and appearance as the only meaningful harm. Overall, the Council's actions have resulted in the delaying of development which should clearly have been permitted.*

17. *The proposal should not have been refused in the first place, and should not have then been actively defended at appeal. This is particularly galling in light of the Council's agreed housing land supply of only 2.92 years. It is failing, very significantly, to secure the 5-year supply of housing land for which it should be striving. In addition, the appeal proposal is for two types of residential accommodation, older persons and affordable housing, that are most in need in the District, as set out in the Council's own Maldon District Local Housing Needs Assessment Final Report, dated May 2021. The need for both types of accommodation is acute and growing.*

Conclusion

18. *Taking all of the above into account, I therefore find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.*

Additional scrutiny item

4. Added to this scrutiny item is the reference from the July meeting of the Council to look at Planning decision-making, the Council having emphasised the need for more objective and evidence-based decision-making in the future. This arises from an appeal decision and an award of costs in relation to application ref 20/0166/FUL at land south of Charwood and east of Orchard House, Stoney Hills, Burnham on Crouch.
5. Application 20/0166/FUL had originally been refused by the South-Eastern Area Planning Committee in February 2021, contrary to the Officers' recommendation, and the refusal was maintained on review by the District Planning Committee in June 2021, albeit for a reason at variance with that previously agreed by the Area Planning Committee. The reason for refusal agreed by the Area Committee on application 20/0166/FUL was -

1. *The proposed development, due to its style, design and bulk would result in a dominant and contrived development which would result in undue harm to the character and appearance of the surrounding area and the amenity of neighbouring sites, contrary to policies S1, S2, D1, H4 of the Maldon District Local Development Plan.*

2. *It is considered that the development would result in demonstrable harm to the residential amenity of the occupiers of the neighbouring dwelling to the west, Orchard House, contrary to policies D1 and H4 of the Maldon District Local Development Plan.*

A decision notice based on the reason agreed by the Area Committee was however not issued and the application was put to the District Planning Committee for determination afresh with a recommendation of approval. This was not accepted and the reason for refusal agreed by the District Planning Committee, and based on objection raised at that meeting and having regard to Officer advice, was as follows:

1. *The design of the dwelling is considered to be incongruous and contrived which would cause harm to the character and appearance of the surrounding area, contrary to policy D1 of the Local Development Plan (LDP).*
 2. *The proposal would result in demonstrable harm to the residential amenity of the western neighbour of Orchard House by resulting in a harmful loss of outlook from this neighbouring dwelling, contrary to policy D1 of the LDP.*
6. Application 20/0166/FUL proceeded to appeal, although in the District Planning Committee's reasoning the demonstrable harm to residential amenity was specified, the appeal Inspector felt that the reasons had not been substantiated. A relevant extract from the Inspector's Costs Decision is as follows:

10.As will be seen from my decision issued on this case, I have decided in favour of the appellant on the substantive question of whether the proposed development should be permitted. As will be seen from my decision, on the issue of design I noted that there was no specific criticism by the council, and for my part I considered that the proposed dwelling relates well to the character and appearance of the surrounding area, making a positive contribution to it. This judgement might not be shared by others, but any alternative view must be supported by reasons. That was not done in this case.

11.Again, in relation to the second issue, the council has not explained how the alleged loss of outlook to the Orchard House occupants would result from the appeal proposal, and I was left to conjecture what form of loss might be involved.

12.I concluded that both refusal reasons in the case had not been substantiated, and did not form any justification for the refusal of planning permission.

13.I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Conclusions and initial response to the Committee

7. The Working Group's initial conclusions centre around the following elements -
- A 'constitutional' intervention or brake to enable Planning and Legal Officers to review the implications of Officer overturns on strategic and other applications before a decision is finalised.
 - The review and promotion afresh of the Planning Appeals Protocol and also the Planning Guidance on decision making set out in the Constitution.
 - Identification of further Member training issues.
 - A review of the style/approach of Officer reports on planning applications to give greater balance of argument to assist Members.
8. On the first of the above, the context for this would be the balance between the speed of determination and quality of decisions, and a clearer understanding of the need to substantiate the overturning of an Officer's professional recommendation and the risks involved. There is clear evidence that a number of authorities have a mechanism of this nature, and options appear to include –

- Introduction of concept of 'minded to approve/refuse' motion based on a clear if not detailed reason
 - Delegate decision to Director in consultation with Chairman/Vice-Chairman with backstop of reference back to original Committee
 - Officers request deferral in exceptional cases, or Solicitor being the arbiter of issues and requesting deferral for further advice/consideration
 - Committee decision to defer for this precise reason
 - Area Committees automatic referral to District Planning Committee on overturns
 - A single Planning/Development Control Committee would enable establishment of a Planning Referrals Committee
 - Strengthening the Planning Appeals Protocol with Members leading on Statements/Evidence
 - With 'Minded to' deferrals, only those present at the original Committee may vote at subsequent meeting if the application was referred back
 - Stronger and recorded reasoning for departure from the Officer recommendation or giving different weight to material considerations
9. As mentioned in 7. above, it is thought to be both appropriate and necessary to revisit the Planning Appeals protocol and for it to be commended to the Council for adoption afresh. This protocol is appended to the Code of Good Practice on and Guidance on the Conduct of Planning Matters included in the Constitution, and provides important guidance for the management of Planning Appeals, including the involvement of Members.
10. The question of how planning decision making is approached and undertaken ties in with the issues raised by the above Notice of Motion, and this could even extend to a review of the existing arrangements. The Council has already emphasised the need for more objective and evidence-based decision making in the future, and perhaps the relevant section of the Planning Guidance document included in the Constitution needs revisiting and strengthened.
11. The identification of further Member training issues to be addressed is vital to this process. Training needs to embrace the important messages and conclusions coming out of this scrutiny and which are likely to be cemented in the revision of protocols and guidance. It is not difficult to see that the demands of delivering sufficient and regular training to all Members given their role in planning decision-making would be eased somewhat if there was a single Planning/Development Control Committee whose Members could be trained in a more specialist way. It would also ease the burden of having to enforce the restriction on voting for those Members whose training was not up to date.
12. A wider issue linking to these matters is the recent corporate governance audit which highlighted that Members had not properly considered the earlier Planning Advisory Service recommendations that had been reported to Council. One recommendation pointed to a move to a single Planning/Development Control Committee consisting of well-trained Members to replace the current Area Planning Committee format which it was felt could lead to inconsistency of decision-making and potential challenge.

13. The Working Group feels that a review of the style/approach of Officer reports on planning applications should be undertaken with a view to a more balanced presentation being achieved which would be thought helpful to Members.



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Scrutiny request pro-forma	Request details
No. 17	
1. Member request	Councillor C Swain
2. Area of scrutiny requested and reasons for it	Enforcement. Why the list is so long; why easily assessed cases are not dealt with; whether the signing off procedure is a bottleneck; what criteria are used to prioritise assessment; why cases that have been concluded are not closed; why the 'closed' list is empty. Having cases outstanding for several years undermines public confidence in the process.
3. Indicate which part of the Committee's remit the request falls within	Matters involving the delivery of the Council's Priorities, and the review or scrutiny of decisions made or actions taken.
4. If other, give further details	This scrutiny request relates to the management and organisation of this function.
5. Has the matter been raised directly with Officers or another Committee?	No
6. If yes to 5, give further details including dates and any response	
7. Expected outcome of this requested scrutiny item	Rapid reduction in outstanding cases, especially those of long-standing.

Officer review and comments

1. It is confirmed that the nature of this request relates to an area within the remit of the Committee.
2. The subject of this request is similar to that previously submitted by Councillor Bassenger. At the January 2022 meeting of the Committee, it was agreed that there was little merit in scrutinising this process while steps were being taken to increase the resourcing of Planning Enforcement in line with a Policy review undertaken last year. A related request by former Councillor Jarvis as to the process for compliance with planning conditions was not taken forward for the same reason, while at the same time being treated as a request for information. It was however agreed that the process for the following up of planning conditions could be linked to any future scrutiny of the wider planning enforcement issue.
3. Since that time, the Council has recruited to the new support positions that were created and ordinarily it would be open to the Committee to pick this up again by way of reviewing how the increased resource is helping to deal with the enforcement workload. At the last meeting of the Performance, Governance and Audit Committee however the Director of Service Delivery gave a presentation on Planning Services performance and resources, and a further presentation is to be made to the Council on enforcement performance. In

the meantime, arrangements are available for informal meetings of Area Committees to be held for Members to work with Officers on the management of the work programme.

4. Councillor Swain believes that his and other Members' concerns may be allayed by a much deeper review of the effectiveness and efficiency of the enforcement process for dealing with the workload of cases, which would include –
 - Prioritisation of enforcement cases and the criteria used
 - Clearing up or resolving long-standing cases
 - Scope for delegating decision-making
 - Whether there is a 'bottleneck' in signing off actions
 - Scope for specialisation between Officers according to area or type of issue
 - Communication of outcomes with those involved in closed cases
 - Why certain cases could not have been resolved despite Covid restrictions
5. In part this will be a matter of providing information to understand the processes involved and how they are operated in order to judge the scope for more detailed scrutiny.
6. By way of update, the Enforcement resource has been strengthened during the course of this year, and the Lead Specialist (Development Management) is now largely focussed on Enforcement work in particular reducing the backlog and progressing cases in line with the revised Enforcement Policy. Draft statistical performance information ahead of the next reporting quarter indicates a significant reduction in the backlog with the closure of almost 170 cases since 1 April 2022. Apart from the seeking of information to enable Members to understand certain processes, this item now seems appropriate to be the subject of a watching brief to be overseen by the Working Group.

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